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6 NETFLIX, INC.

7 UNITED STATES DISTRICT COURT
8
9 NORTHERN DISTRICT OF CALIFORNIA

10 NETFLIX, INC., a Delaware corporation,
11
12 Plaintiff,

13 v.

14 BLOCKBUSTER, INC., a Delaware
corporation, DOES 1-50,

15 Defendant.

Case No. C 06 2361 WHA (JCS)

**[PROPOSED] ORDER ON NETFLIX'S
MOTION TO COMPEL THE
PRODUCTION OF DOCUMENTS FROM
BLOCKBUSTER, INC.**

Complaint filed: April 4, 2006

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18 Having considered the motion of Netflix, Inc. ("Netflix") to compel the production of
19 documents from Blockbuster, Inc. ("Blockbuster") and Blockbuster's opposition thereto,
20 Netflix's reply, and the argument of counsel, with good cause appearing, it is hereby ORDERED
21 as follows:

22 With respect to Request Numbers 7-10, 21, 24-25, 28-36, 58-59, 67-74, 76-79, 81-82, 90,
23 and 101-102, Blockbuster shall produce all documents that are responsive to these Requests.
24 Blockbuster shall not limit its production of these documents to those that are "sufficient to
25 reasonably describe" a given category of documents that have been requested by Netflix.

26 With respect to Request Number 19, Blockbuster shall produce documents fully
27 describing Blockbuster's recordkeeping and accounting methods, books, and records as they
28 relate to Blockbuster Online. Blockbuster shall not limit its production of these documents to

1 publicly filed Forms 10-Q and 10-K and its internal quarterly and annual financial statements.

2 With respect to Request Numbers 26 and 27, Blockbuster shall produce documents
3 sufficient to fully describe the structure or architecture of the software and hardware used to
4 operate, support, or maintain Blockbuster Online, including block diagrams, data structure
5 diagrams, system architecture diagrams, database layouts, and source code. The production of
6 these documents shall include documents beyond those relating to the Blockbuster Online
7 website.

8 With respect to Request Number 31 Blockbuster shall produce documents sufficient to
9 fully describe Blockbuster Online technology that was developed by third parties. Blockbuster
10 shall not limit its production to documents “sufficient to reasonably describe the development of
11 Blockbuster Online.”

12 With respect to Request Numbers 34, 35, and 36, Blockbuster shall produce: (1) all
13 documents relating to agreements between Blockbuster and any consultant engaged to provide
14 consulting services or products to Blockbuster relating to Blockbuster Online; (2) the documents
15 exchanged between Blockbuster and any consultant in connection with any agreement to provide
16 the aforementioned services and/or products. Blockbuster shall also produce documents
17 sufficient to identify the employees, contractors, or agents of any consultant who provided any
18 information or performed any service for Blockbuster in connection with the design, research,
19 development, testing, marketing, and operation of Blockbuster Online. Blockbuster shall not
20 limit its production of these documents to consultants working for a specific company, nor shall
21 it limit its production to consultants who had “significant involvement” in providing consultant
22 services.

1 With respect to Request Number 89, Blockbuster shall produce all of its documents
2 relating to its promotion in Blockbuster in-store locations of Blockbuster Online. Blockbuster
3 shall not limit its production of these documents to those “sufficient to show such promotions.”

4 Blockbuster shall produce its documents in response to this Order and Netflix’s requests
5 for production of documents _____ days after entry of this Order.

6 IT IS SO ORDERED.

7 Dated:

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10 _____
HON. JOSEPH C. SPERO

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